

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
OCTOBER 23, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor Manuel Rodriguez, First Church of the Nazarene, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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Motion made by Representative Medina, seconded by Representative Escobar, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Special City Council Meetings of August 17, 2001 and September 6, 2001.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **JAIME MAPULA**, as a PC LAN Specialist I, for the Information Services Department at a biweekly rate of \$1,572.80, not to exceed 40 hours per week. The term of the contract shall be for the period of October 10, 2001 through October 9, 2003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Sublease between WJN Corporation, Sublessor, and Cherry-Air, Inc., Sublessee for building and hangar space known as 7305 Boeing Drive, El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment and Amendment to Lease between the City of El Paso, Texas (Lessor), Ladies for Education, Advancement and Progress (L.E.A.P.) (Assignor) and El Paso Coalition For The Homeless (Assignee), for the following property: Portion of Lot 3, Block 2A, El Paso International Airport Tracts, Unit 4, City of El Paso, El Paso County, Texas, commonly known as 6461 Hiller.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment and Amendment to Lease between the City of El Paso, Texas (Lessor), Ladies for Education, Advancement and Progress (L.E.A.P.) (Assignor) and El Paso Coalition For The Homeless (Assignee), for the following property: Lots 4, 5 and 6, Block 2A, El Paso International Airport Tracts, Unit 4, City of El Paso, El Paso County, Texas, commonly known as 6501 Boeing Drive.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign six Lessor's Approvals of Sublease between Cutter Aviation, Inc. Sublessor, and the following Sublessees: Sue Critz, Distribution Management Corporation, Warren Greer, dba Auto Air, Med Flight Air Ambulance, Inc., Telesis Express, Inc., Volare Air Charter Co. for building and hangar space known as 7305 Boeing Drive, El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to sign Heavy Aircraft Parking Rental Agreements by and between the City of El Paso and Frontier Airlines, Inc. for aircraft parking at the El Paso International Airport.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign contracts for the following artists to perform at the Arts Resources Department's Dia De Los Muertos event scheduled for November 2, 2001, at the El Paso Museum of Arts' Festival Plaza and San Jacinto grounds, as recommended by the Arts Resources Department's staff.

1. Serene Bartoletti; one performance at \$160.00.
2. Jena Camp; one performance at \$160.00.
3. Tommy J. Fraga; one performance at \$160.00.
4. Raul Garcia; one performance at \$160.00.
5. David Hamilton; one performance at \$160.00.
6. Ma. Esther Martinez y Su Duetto; one performance at \$480.00.
7. James Olivas; one performance at \$160.00.

8. Ana Lisa Portillo; one performance at \$160.00.
9. Cesar Ivan Quinonez; one performance at \$160.00.
10. Thelma Rodriguez-Wood; one performance at \$160.00.
11. David Romo; one performance at \$160.00.

*R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the following Investor-Owned Housing Rehabilitation Application and funding be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved application:

Application:	H01-09-CD/IO/MP-0312	CD Loan:	\$ 588,000.00
		CD Grant:	\$ 193,217.00
Address:	1014 Myrtle Avenue (79001)	HOME Grant	\$ 254,983.00
Interest at:	Three percent (3%)	Total:	\$1,036,200.00

AND THAT the Mayor be authorized to sign a Community Development Investor-Owned Financial Terms Contract between the City and Steven S. Stoiber and Maria Stoiber, and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, Medsons Construction Ltd. Co., a Texas Limited Liability Company, and Steven S. Stoiber and Maria Stoiber, relating to the above Community Development Rehabilitation Loan Application No. H01-09-CD/IO/MP-0312.

*R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Takeover Agreement by and between the City, A & A Re Investment L.P. and Commercial Indemnity Insurance Company related to completion of the Community Development funded investor-owned construction project at 8961 Herbert and 8956 Roberts Streets.

*R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Appraisal Services not to exceed One Thousand Six Hundred Fifty and No/100ths (\$1,650.00) Dollars between the City of El Paso and Andresen & Co., for the appraisal of the following parcels, in fulfillment of the Collingsworth Phase IV, Street and Drainage Improvements, a 27th Year (2001-2002) Community Development Project:

- Parcel 1: A portion of Lots 1 and 2, Block E, Collingsworth Subdivision Supplemental Map, containing 1,143 square feet, more or less.
- Parcel 2: A portion of Lot 1, Block 7, Collingsworth Subdivision Supplemental Map, containing 48 square feet, more or less.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Forgivable Loan Agreement in the amount of \$301,211.00 between the City of El Paso and the Ysleta Independent School District (YISD) for the design and construction of the Community Strength Playground Project to be located on the Ramona Elementary School campus, and funded under the 27th Year (2001-2002) Community Development (CD) Program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Forgivable Loan Agreement in the amount of \$82,064.00 between the City of El Paso and the El Paso Independent School District (EPISD) for the design of the San Juan Neighborhood Park Project to be located on Hawkins Elementary School campus, and funded under the 27th Year (2001-2002) Community Development (CD) Program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Agreement for an Award from the United States Environmental Protection Agency for Federal assistance in the support of the Air Quality Activities for the City of El Paso in the amount of TWO HUNDRED AND THIRTY THOUSAND DOLLARS AND 00/100 (\$230,000.00). The City match of NINETY-NINE THOUSAND, SIX HUNDRED SIXTY-SEVEN AND 00/100 (\$99,667.00) and County match of FIFTY-THREE THOUSAND, SIX HUNDRED SIXTY-SEVEN (\$53,667.00).

NOTE: Resolution was revised to read "City" match of \$99,667.00 and "County" match of \$53,667.00".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cost Reimbursement Agreement between the City of El Paso and the Federal Bureau of Investigation (FBI) relating to a special joint law enforcement task force from October 1, 2001 through September 30, 2002, whereby the FBI will reimburse the City for certain overtime personnel costs incurred during the operation.

***RESOLUTION**

WHEREAS, the City annually participates in decorating the San Jacinto Plaza in celebration of various holidays occurring during the month of December; and

WHEREAS, decorating the Plaza and celebrating the festivities of various holidays during the month of December and recognizing special cultural activities that occur during the month of December unites the citizens of El Paso through the shared celebrations; and

WHEREAS, the conducting of the 10th Annual Downtown Posada Festival is one part of the celebration of the various holidays occurring during the month of December and further, the Festival will promote cultural and entertainment activities within the City, thus benefiting the citizens of El Paso; and

WHEREAS, the City Council finds that the Downtown Posada Festival embraces a tradition that has become a popular celebration enjoyed by many people and it includes many aspects of traditional December festivities within the cultural heritage of many persons living in El Paso, including singing, dancing, the breaking of the piñata, and the partaking of special holiday foods, gathered in a family environment and conducted for entertainment purposes; and

WHEREAS, the presentation of Festivals in downtown El Paso encourages persons to come downtown, which benefits the City and downtown revitalization efforts.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an agreement by and between the City of El Paso and the Central Business Association relating to the 10th Annual Downtown Posada Festival and related entertainment and cultural activities in San Jacinto Plaza on December 13, 2001, and that Representative Anthony Cobos is authorized to allocate a portion of District 8 Discretionary Funds in the amount of Five Hundred and No/100 Dollars (\$500.00) for the funding required in the agreement.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is authorized to sign a Third Amendment to the Contract between the City and Access Administrators, Inc., for two additional years, through 2004.

Mr. Bill Chapman, Chief Financial Officer, introduced Mr. David Almonte, Director of the Office of Management and Budget, and noted that they would be presenting a PowerPoint presentation for Council Members and discussing the City's Health Plan. Mr. Chapman explained that a study was conducted regarding the health care cost differences of the Access Administrators and TML Plans. It was deduced that the TML rates were costing the City 30% more for TPA costs than Access Administrators. It was decided to combine the two plans into one plan, thus having only one Administrator, for a cost savings of \$450,000.00 per year in administrative costs. It was decided that the City employee's health insurance rates, Fire, Police and non-uniformed, would increase to offset the costs of the City retirees. Mr. Chapman explained that the City is contributing an additional \$3.5 million dollars towards the large increase in the health plan for this year. He recommended that the plan be set for 20 months to coincide with the fiscal year and that in-site wellness clinics be established at City Hall, Municipal Service Centers, Police Command Centers and other locations throughout the City. In conclusion, he made the following recommendations: 1. the rates be accepted; 2. the 20 month plan be set, 3. the wellness clinics be established; 4. the one Administrator be authorized in order to save administrative costs; and 5. the administrative costs be locked in for two additional years, not three years.

Mayor Raymond C. Caballero remarked that the City Health Plan is self-insured and that these changes would be cost effective.

Representative Rodriguez requested that the discussion period be extended for 30 minutes to allow for public discussion.

Representative Sumrall mentioned that she was the Chair of this Legislative Review Committee and that representatives from the Employees Association, the retirees, the Insurance Advisory Committee and members of the Police and Fire Departments were present at meetings which were held.

Representative Cook asked Mr. Chapman or Mr. Almonte to highlight the comparisons of the City's Health Plan to other entities located within the City.

Mr. Almonte noted that the State TRS plan costs \$1,180.00 per month for the family rate, YISD is \$372.00, per month, SISD was \$320.00, EPISD \$490.00, the County - \$252.00 versus the \$222.00 that the City is requesting. He stated that there is a \$2,000.00 out of pocket cap for the employees. He explained that in-network benefits would be provided to City employee dependents living outside the City of El Paso.

Mr. Ray Apodaca, Managing Shareholder for Access Health Source, stated that the City's plan is self-insured and that revisions to the plan document would be made to include the language regarding recommendations of the nurse practitioners.

Representative Sariñana remarked that the City retirees deserve insurance coverage and that by subsidizing some of the benefits it would help these retirees with the costs. He questioned what would happen if individuals drop out of the City's Health Plan.

Mr. Almonte responded that the President of the Employee's Association was present at the Legislative Review Committee meetings, as well as representatives from the retirees and Police and Fire Associations.

Mr. Chapman remarked that the Health Plan has been proposed to the Police Department.

Representative Cobos thanked Representative Rodriguez for sending her email to all the City employees regarding this item as many employees were not aware of this issue. He thought that many City employees might drop this coverage due to the increase in cost. He proposed creating different "tiers" depending on the number of children in the families and/or utilizing the co-pay for "sick" individuals, not necessarily the "healthy" individuals. Representative Cobos asked Mr. Apodaca whether, in his opinion, most of the expenses come from emergency situations or from individuals with on going health care needs.

Mr. Almonte stated that the City contributes \$3.5 million to this fund and that these monies would not be decreasing.

Mr. Chapman addressed Representative Cobos' comments regarding the co-pay question. He stated that insurance is a "pool" meaning the more people in the pool, the more risk is spread out.

Mr. Apodaca responded to Representative Cobos' question as follows: 57% of total expenditures are from hospital in patient/out patient basis.

Representative Escobar stated that many alternatives were considered; however, during the next 20 months he asked that other health plans/ideas be considered.

Representative Rodriguez explained why she sent her email to the City employees. She asked who the providers were for the County and the school districts.

Mr. Almonte responded Access was the representative for YISD and SISD; however, they were self-funded. EPISD was also self-funded; however, EPISD utilizes an out of town provider. These were for TPA services.

Mr. Apodaca explained that very few entities are self-funded and provide comparable benefits.

Mr. Chapman stated that providers were different from TPA services. In reviewing, TML stated that the City would save monies if only one provider (TPA) was utilized; therefore, it was determined that Access Administrators would be that provider.

Representative Power asked if the City employees were limited to utilizing only the Columbia hospitals.

Mr. Chapman explained that Columbia offered the better rates; however, if the employee chooses, they can utilize Providence and Sierra hospitals.

Representative Medina asked how much the City was contributing to the employee's health benefits. He discussed the option of tiers as proposed by Representative Cobos and noted that this would not be cost effective.

Mr. Almonte stated that it was set up as \$4,200.00 per employee/per year just for health insurance for 6,000 employees.

Mayor Caballero remarked on the wellness clinics and program for City employees and asked that the employees utilize these services so that we might all become healthier.

Representative Sumrall remarked on the number of the doctors in the Select plan and commented on the Columbia LifeCare Center and the City employees use of these facilities. The City employees would be offered a reduced rate in order to utilize these facilities.

Mr. Apodaca explained that as per Representative Sumrall's idea, an analysis was run and eight areas were singled out with regard to specialty doctors. Four areas have been addressed and the other four are going through the contracting processes.

Ms. Sylvia Marquez, President of the City Employee's Association, stated that she was in attendance at the Legislative Review Committee meetings. She explained that the Association was opposed to the new health insurance rates. She questioned why the City did not solicit RFP's for this matter. She added the new rates impact the "employee only" rates, more so than any other group in the health plan. She asked that the rates be evenly distributed throughout the health plan so as not to burden the City employee enrolled in the "employee only" option of the health plan. She noted that many of the City employees were not aware of the Legislative Review Committee meetings.

Mayor Caballero stated that his goal is to reduce the insurance rates and asked that everyone work together to reduce the costs.

Mr. Bill Arballo, American Federation of State and County Municipal Employees Local 59, noted that the City has a shortage of nurse practitioners. He wondered why an RFP was not sent out, he asked why the City was not competitive and what efforts were made to reach entities outside of the City.

Mr. Chapman answered Mr. Arballo's question regarding the RFP and stated that the City did advertise an RFP for the last several years and had no responders.

Mr. Arballo explained that nurse practitioners are in place and operating in four different clinics around the City. Mr. Arballo addressed recruitment and retention of the nurse practitioners; the nurse practitioner working today does not guarantee that same nurse practitioner will be working tomorrow. He addressed the point of some City employees possibly leaving the health plan and explained that if this occurs R.E. Thomason General Hospital will be taxed with these additional individuals and their family members.

Mr. Almonte stated that the vision and dental plans would increase in some areas.

Representative Rodriguez asked that future insurance meetings be held in the evenings to allow more individuals to attend.

Motion made by Representative Sariñana, seconded by Representative Medina and carried to approve the above Resolution. Representatives Rodriguez and Cobos voted Nay.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is authorized to sign a Second Amendment to the City of El Paso Employee Health Benefits Program Plan Document effective January 1, 2002.

Motion made by Representative Sariñana, seconded by Representative Medina and carried to approve the above Resolution.

Representatives Rodriguez and Cobos voted Nay.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Supplement "A" (Premium Conversion Program) of the City of El Paso Section 125 Cafeteria Plan is amended by adding the following benefit programs,

UNUM
United Concordia

Motion made by Representative Sariñana, seconded by Representative Medina and carried to approve the above Resolution.

Representatives Rodriguez and Cobos voted Nay.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **RICHARD ALLEN CROWE** to assist the Comptroller Department as the Treasury Services Manager at a biweekly rate of \$1,400.50, 40 hours per week. The contract period is from October 24, 2001 through April 23, 2002.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **BRENDA ENRIQUEZ** as a Clerk I for the Mayor's Office at the rate of \$7.98 per hour, not to exceed 40 hours per week. The contract period shall be from October 24, 2001 through April 23, 2002.

1446

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **JOHN BATOON** for professional services as Hearing Officer for the Civil Service Commission, for a period from November 2, 2001 to February 1, 2002, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **PATRICIA LEA PALAFOX** for professional services as an alternate Hearing Officer for the Civil Service Commission, for the period from November 2, 2001 to February 1, 2002 at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **BRUCE J. PONDER** for professional services as Hearing Officer for the Civil Service Commission, for a period from November 2, 2001 to February 1, 2002, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement between the **CITY OF EL PASO** and the **TEXAS DEPARTMENT OF PUBLIC SAFETY** for the acquisition of motor vehicle records pursuant to the Motor Vehicle Records Disclosure Act.

*Motion made, seconded and unanimously carried that the street and drainage improvements in the Tierra Del Este Unit Two Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Tierra Rica Way - from the southerly property line of Lot 72, Block 12 to the heel at Lot 50, Block 12 (Tierra Negra Street)

Tierra Negra Street - from the heels at Lot 49, Block 12 (Tierra Rica Way) to the south-easterly property line of Lot 15, Block 13

Tierra Nueva Drive - from the westerly property line of Lot 1, Block 13 to Tierra Negra Street

Tierra Dura Drive - from Tierra Nueva Drive to Tierra Negra Street

Tierra Seca Way - from Tierra Negra Street to the end of cul-de-sac at Lot 15, Block 15

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Request approval for the use of City funds to pay the expenses for a representative of the Rim Area Neighborhood Association to attend the Texas American Planning Association Annual Conference Luncheon to travel with Patricia D. Adauto, Director of Planning, Research and Development, to receive the Project Planning Award for the Rim-University Neighborhood Plan.

Representative Sariñana stated that, in his opinion, taxpayers should not be asked to pay for this.

Ms. Patricia Adauto, Director of Planning, explained that it was her idea to ask for this request. She gave Council Members the history of the Rim University Neighborhood Plan and how the Neighborhood Plan was ultimately recognized to receive this award. She stated the Texas American Planning Association will be handing out two awards; one will be awarded to the Rim-University Neighborhood Plan and one will be awarded to the City of El Paso. She suggested that not only the City have a representative available but also a member of the Rim Area Neighborhood Association to accept these awards.

Representative Sumrall stated that she would be utilizing her discretionary funds to pay for the representative of the Neighborhood Association.

Ms. Adauto stated that approximately 13 months of work was put into this project. She further stated the project was a City initiated effort; however, the Neighborhood Association and owners of businesses in the area assisted and other areas of the City have become involved in this type of project.

Motion made by Representative Sariñana, seconded by Representative Escobar and carried to deny the request for the use of City funds to pay the expenses for a representative of the Rim Area Neighborhood Association to attend the Texas American Planning Association Annual Conference Luncheon to travel with Patricia D. Adauto, Director of Planning, Research and Development, to receive the Project Planning Award for the Rim-University Neighborhood Plan.

Representative Sumrall and Representative Cook voted Nay.

Representative Rodriguez, Representative Medina, Representative Power, Representative Escobar, Representative Sariñana and Representative Cobos voted Aye. Motion carried to deny the request.

*Motion made, seconded and unanimously carried to authorize the transfer of \$500.00 from District #8 Discretionary Funds to the Parks Department to assist with the "Safe Halloween Party" sponsored by El Paso Public Libraries and the Department of Parks and Recreation as requested by Representative Cobos.

*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for two (2) additional years, from December 14, 2001 through December 13, 2003, pursuant to the provisions of contract 1999-32-275 with Hi-Tech Signals, Inc., Forth Worth, TX, for Aluminum Traffic Signal Bases.

Option No.:	One
Department:	Streets
Amount of Award:	\$10,000 Annual Estimate
Funds available:	Account 503203 - Funds 01101 - Department 32010288
Funding source:	General Funds - Streets
Funds available:	Account 508036 - Funds 27177 - Department 07010021
Project:	PPW0033001
Funding source:	Certificate Obligations 2000

10/23

*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for one (1) additional year, from December 15, 2001 through December 14, 2002, pursuant to the provisions of contract 1999-32-276 with Graybar Electric, F Paso, TX, for Traffic Lamps.

Option No.: One
Department: Streets
Amount of Award: \$27,000 Annual Estimate
Funds available: Account 503203 - Funds 01101 - Department 32010288
Funding source: General Funds - Streets

*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the contract for one (1) additional year, pursuant to the terms of Contract 2000-211, with Medtronics Physio-Control for Maintenance of Automatic Electronic Defibrillators for Fire Department. Contract period January 15, 2002 through January 14, 2003.

Department: Fire
Amount of Award: \$23,420 Annual Estimate
Funds available: Account 502229 - Funds 01101 - Department 22010319
Funding source: General Funds

*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Victor J. Duran, Building Inspector
- B. Richard Flores, Laborer
- C. Jose L. Villasana, Library Assistant

*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Toll Collector (4)

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Administrative Analyst (1)
- B. Assistant Airport Operations Officer (2)
- C. Traffic Signs & Markings Worker I (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Airport

Add	2.0	Assistant Airport Operations Officer	73
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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Street

Add	1.0	Vehicle and Equipment Supervisor	GS20
Delete	1.0	Labor Foreman II	GS17

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Parks & Recreation

Add .06 Recreation Leader II R3

*Motion made, seconded and unanimously carried to appoint Santos (Super) Sanchez to the Community Development Steering Committee by Representative Sumrall.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #'s 0827-000-2731-0059 & G990-000-0003-0004, \$373.82 per month installments on a balance of \$4,485.84 for 2000 taxes; J L Machine Shop % Julio Luera, Jr. - 10261 N. Loop.
- B. PID #'s M794-999-0390-1100, M794-999-0390-2100 & M794-999-0390-0100, \$1,261.74 per month installments on a balance of \$11,355.66 for 1998, 1999 & 2000 taxes; Juan & Enriqueta Godinez - 4025, 4027 and 4031 Van Buren Ave.
- C. PID #C340-999-1480-2000, \$535.26 per month installments on a balance of \$6,423.12 for 1999 taxes; Roberto J. Martinez - 6701 Isla Del Rey Dr.
- D. PID #H788-003-0170-0500, \$240.05 per month installments on a balance of \$2,880.60 for 2000 taxes; Jeffrey & Isabel Youngs - 19001 Carson Dr.
- E. PID #L064-999-0020-3100, \$421.20 per month installments on a balance of \$2,527.20 for 1999 & 2000 taxes; Manuel & Bertha Torres - 8121 La Paloma Cir.
- F. PID #V893-999-113A-0100, \$3,463.87 per month installments on a balance of \$20,783.22 for 1999 & 2000 taxes; RGS Distribution, Inc. - 1445 Gail Borden.
- G. PID #E131-999-0070-4120, \$796.40 per month installments on a balance of \$4,778.40 for 1999 taxes; Humberto Gonzalez - no address assigned.
- H. PID #M473-999-0450-0100, \$4,384.63 per month installments on a balance of \$26,307.78 for 1998, 1999 & 2000 taxes; El Campanario Partnership L P % Tedd Richardson - 306 Overland.
- I. PID #E275-000-0090-0180, \$225.61 per month installments on a balance of \$2,707.32 for 1996, 1997, 1998, 1999 & 2000 taxes; Roberto & Alicia Contreras - 11584 La Poblana.
- J. PID #V869-000-0150-2000, \$296.24 per month installments on a balance of \$3,554.88 for 1998, 1999 & 2000 taxes; Petra Estrada - 14140 Sword Dancer.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Transamerica Real Estate Tax Service, in the amount of \$1,227.00, overpayment of 1999 taxes. (PID #P654-999-038B-0200)
- B. Transamerica Real Estate Tax Service, in the amount of \$804.05, overpayment of 1999 taxes. (PID #U819-999-011C-1900)
- C. Edward de la Rosa, in the amount of 937.42 overpayment of 2000 taxes. (PID #V8690-000-1501-1800)

*Motion made, seconded and unanimously carried to award Bid No. 2001-264R Physical Exam Services

Award to: Las Palmas & Del Sol Regional Healthcare System
El Paso, TX
Items: All
Amount: \$102,800.00 (Estimated annually)

Department: Personnel
Funds available: Various
Funding source: Various
Total Award: \$102,800.00

Personnel, Evaluation Committee, and Purchasing recommend award as indicated as this vendor is deemed to have submitted the best proposal. This is a Thirty-six (36) month Service Requirement Contract.

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*Motion made, seconded and unanimously carried to award Bid No. 2001-293 Rosa Street & Luna Street Unpaved Street & Drainage Improvements

Award to: Quest Contracting, Inc., El Paso, TX

Department: Street Department
Funds available: 04250202-PPW0028001-27172-508027
Funding source: FY 2001 C.O.'s
Base Bid I: \$159,850.00
Alternate #1: \$ 6,130.00
Total Award: \$165,980.00

RECOMMENDATION:

The Purchasing Department recommends the award of this contract to Quest Contracting, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

DESCRIPTION OR EXPLANATION:

Base Bid I: \$159,850.00
Alternate #1: \$ 6,130.00
Total Recommended Award: \$165,980.00

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001-301 Doors, Frames, and Accessories

Award to: Architectural Products Co., Inc.
El Paso, TX
Item: 1 to 16 (all)
Amount: \$66,647.00 (Estimated annually)

Department: PW / Building Maintenance
Funds available: 31010325-31010326-31010327-31010328-31010350-503200
Funding source: General Funds
Total amount: \$66,647.00

The PW / Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Two other Vendors were considered non-responsive because they submitted mis-quotes.

This is a Requirements Type Contract with an initial term of Twenty Four (24) months.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Bid No. 2002-007 Fabric Canopy for Cohen Stadium

Mr. Byron Johnson, Director of Purchasing, explained the bid for Council Members and noted that the canopy has two purposes: 1. to shade and cover the midway and concession area from the east to west entrance of the stadium; 2. to provide a landmark for the Northeast area of the City. He stated that the canopy would have lights in the evening and provide a glow visible to all areas of the City. He stated that the award company would meet all the provisions of the apprenticeship program in the contract.

Motion made by Representative Sariñana, seconded by Representative Escobar and carried to award Bid No. 2002-007 Fabric Canopy for Cohen Stadium

Contractor: Birdair, Inc.
Amherst, NY

Department: Parks Department
Funds available: 31130500-PPW4600012-26253-508027
Funding source: 2000 Authorization for Quality of Life Projects

Bid I: \$1,323,693.00
Total Award: \$1,323,693.00

RECOMMENDATION:

The Purchasing Department recommends the award of this contract to Birdair, Inc. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

DESCRIPTION OR EXPLANATION:

Base Bid I \$1,323,693.00
TOTAL RECOMMENDED AWARD: \$1,323,693.00

Representative Medina voted Nay.

Representative Sumrall and Representative Cobos were not present for the vote.

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-034 PUBLIC WORKS

Public Works proposes to appropriate \$18,062 to fund School Flasher installations-Zaragoza Rd. Socorro ISD is reimbursing the City for work done on its behalf.

Increase	\$18,062	to	31255004/PPW005227691/405067	Reimb Exp
Increase	\$18,062	to	31255004/PPW005227691/508036	Traf Signals

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-038 AIRPORT
To acquire a Diamond Coring Rig on an emergency basis, needed to install additional security fencing to allow continued Airport activity under revised FAA security requirements.

Increase	\$1,628.12	to	62620020/P50000441022/508008	Maj Equip & Appl
Increase	\$1,628.12	to	62620020/P50000441022/407001	Intrafund Tnfr-In
Increase	\$1,628.12	to	62620018/P50000241021/407002	Estimated Rev
Increase	\$1,628.12	to	62620018/P50000241021/507001	Intrafund Tnfr-Out

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-040 PARKS & RECREATION

This Budget Transfer requests that cash be transferred from the Aquatics User Fee Account to purchase new lane lines for pools. Existing lane lines have deteriorated and need immediate replacement.

Increase	\$10,000	to	51010281/P50020316303/407002	Estimated Rev
Increase	\$10,000	to	51010281/P50020316303/503116	Rec Supplies

Motion made, seconded and unanimously carried to move to the Regular Agenda BT2002-044 PUBLIC WORKS

Public Works proposes to appropriate \$1,543,400 for construction of Cohen Stadium-Canopy. Funding source is 2000 Authorization for Quality of Life Projects.

There was no discussion on this item.

Motion made by Representative Sariñana, seconded by Representative Escobar and carried to approve budget transfer BT2002-044 PUBLIC WORKS

Public Works proposes to appropriate \$1,543,400 for construction of Cohen Stadium-Canopy. Funding source is 2000 Authorization for Quality of Life Projects. **(District 4)**

Increase	\$1,543,400	to	31130500/PPW004601226253/407020	Bond Proceeds
Increase	\$ 40,500	to	31130500/PPW004601226253/407020	Testing
Increase	\$ 40,500	to	31130500/PPW004601226253/508026	Inspection
Increase	\$1,462,400	to	31130500/PPW004601226253/407020	Construction

Representative Medina voted Nay.

Representative Sumrall and Representative Cobos were not present for the vote.

*Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

- A. Building permit refund to Harry Simonds in the amount of \$406.25.
- B. Zoning board application refund to Phillip Robinet in the amount of \$440.00

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the request of West Texas Confederation of Clubs to hold a motorcycle toy run parade on November 4, 2001 from 11:15 a.m. to 12:30 p.m.

Captain Roy Davis, El Paso Police Department, explained that 31 officers and 31 vehicles would be needed to run the parade as proposed; however, if the participants abide by all traffic laws/traffic control devices and stop at each intersection, the event would need only three officers and three vehicles.

Mr. Charlie McNabb, Chief Administrative Officer, clarified that the West Texas Confederation of Clubs would need to monitor its own members so that the members abide by the traffic laws/traffic control devices.

Mr. Armando Parra, Chairman of the Motorcycle Rights Association in El Paso, noted that safety is the main concern and he would do his best to ensure that the members abide by the traffic laws/traffic control devices. He stated that 10 Police motorcycle officers would be sufficient to monitor the parade.

Representative Sariñana committed \$350.00 of his discretionary funds.

Mr. Parra explained that the parade would be held on a Sunday and that traffic is usually not that congested.

Representative Cook explained that the number of officers necessary to monitor a parade should be left up to the Police Department's discretion.

Cpt. Davis stated that the use of fewer than 31 Police motorcycle officers would require that the event not be a "parade".

Mr. Charlie McNabb, Chief Administrative Officer, explained that the minimum use of the three (3) Police motorcycle officers would be used for only monitoring capabilities. The applicant has stated that he may not be able to control all of the participants, due to the large number of the participants.

Representative Medina asked that the motorcycle club members monitor themselves and abide by the traffic laws/traffic control devices, in order to save the City monies. He stated that other City representatives have offered to make donations.

Mr. Jim Davis, certified Motorcycle Safety Foundation instructor at the El Paso Community College, explained that the Motorcycle Safety Foundation recommends that the participants run in staggered groups of seven and run several minutes apart which would total approximately 60 groups and take approximately two to three hours to complete.

Mr. McNabb explained indigency for Council Members information and how it relates to this applicant.

Mr. Parra explained that the money collected would be utilized to buy toys.

Representative Sariñana moved to provide up to 12 police officers to monitor the parade and that the event not be labeled a "parade". Representative Power seconded.

Ms. Rita Rodriguez, First Assistant City Attorney, asked Council Members to either approve or deny the parade request as stated on the Agenda today. If Council Members deny the parade request then the City would have to file an action on this item in Federal court.

Mayor Caballero stated it appears the Council Members want to approve the parade with 12 motorcycle police officers. He asked if it would take a Motion to deny and secondly would 12 officers be sufficient to monitor the parade.

Ms. Rodriguez stated that that would suffice with providing the applicant the alternate based on safety and the condition that they stop at all stop signs and obey all traffic laws.

Ms. Marie Stevens, Senate District 29 Advisor for Texas Motorcycle Rights and President of Women of Vision Motorcycle Club in El Paso, explained the reason for the motorcycle ride. She stated that this was to raise monies for underprivileged children to provide Christmas gifts.

Representative Cook asked whether the City might co-sponsor this event as the City co-sponsors the Operation Santa Claus event. Representative Cook moved to allow the City to sponsor this event, he withdrew this Motion and moved to approve the event and to recognize indigency.

Representative Sariñana withdrew his Motion and seconded Representative Cook's Motion. He also reminded those Council Members who have committed funds to this event not to renege on their promise.

Mr. McNabb stated that the Operation Santa Claus parade does not contain 500 motorcycles and riders.

Motion made by Representative Cook, seconded by Representative Sariñana and carried to approve the request of West Texas Confederation of Clubs to hold a motorcycle toy run parade on November 4, 2001 from 11:15 a.m. to 12:30 p.m. Route: Start at Stateline Restaurant proceed north on Sunland Park Drive to Paisano, east on Paisano to Boone, south on Boone to Delta, east on Delta to North Loop, south on North Loop to Lee Trevino, east on Lee Trevino to Gateway East, south on Gateway East to Margaritas (19.8 miles). Approximately 400 persons, 5 vehicles and 250 motorcycles will take part. Waiver of fees for \$15.75 for processing of application and waiver of fees for police traffic assistance approved. PERMIT NO. 01-131.

Representative Rodriguez and Representative Medina voted Nay.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Benito Martinez Elementary to hold a Veterans Day Parade/Celebration on November 2, 2001 from 8:00 a.m. to 12:00 p.m.

Representative Medina moved to approve the parade request and commented on the applicant's ability to pay for the services provided for by the police officers.

Motion made by Representative Medina, seconded by Representative Cobos and unanimously carried to approve the request of Benito Martinez Elementary to hold a Veterans Day Parade/Celebration on November 2, 2001 from 9:00 a.m. to 10:00 a.m. Route: Start in front of the school, north on Tirres, west on Kristy Weaver, north on Nancy McDonald, west on Spencer, south on Lee Blvd., east on Robert Wynn, south on Juliette Low, east on Rufus Brijalba, north on Nancy McDonald, east on Robert Wynn, return to front of school. Approximately 1,000 persons, 5 vehicles and 6 horses will take part and 500 spectators are anticipated. PERMIT NO. 01-140 NOTE: Hours were changed to read "from 9:00 a.m. to 10:00 a.m."

1436

*Motion made, seconded and unanimously carried to approve the request of Jesus & Mary Roman Catholic Church to hold a Christ the King Procession on October 28, 2001 from 11:30 a.m. to 12:30 p.m. Route: Start at church front gate, proceed on Yandell to Missouri, left on Missouri, proceed on Missouri and turnaround at 1020 Missouri, returning along the same route. Approximately 100 persons will take part. This request includes permission to use amplification (bullhorn). PERMIT NO. 01-144

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*Motion made, seconded and unanimously carried to approve the request of Parks & Recreation/San Juan Recreation Complex to block off Glenwood between Webster and Tamburo on October 31, 2001 from 6:00 p.m. to 8:30 p.m. to hold a Safe Halloween block party. Approximately 1,000 persons will participate. This request includes permission to use amplification (disco with 4 speakers-30 dB level total). Barricades must be manned according to the State's Manual of Uniform Traffic Control Devices". PERMIT NO. 01-149
NOTE: Beginning time was revised from 4:00 p.m. to 6:00 p.m.

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*Motion made, seconded and unanimously carried to approve the request of Tessa Rae Martinez to block off 11900 block of Braveheart (cul-de-sac) at Dragon Crest on October 27, 2001 from 12:00 p.m. to 11:00 p.m. for a block party. Approximately 50 persons will participate and 100 spectators are anticipated. This request includes permission to use amplification (DJ system). Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 01-152

.....
RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-00026, FOR A PORTION OF TRACTS 8A & 8B1, SECTION 36, BLOCK 80, TSP 2, T & P RAILWAY CO. SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (11200 MONTANA AVENUE), PURSUANT TO SECTION 20.04.140 OF THE EL PASO MUNICIPAL CODE.

Representative Power asked Ms. Patricia Adatao, Director of Planning, to explain the Site Development Plan.

Ms. Adatao stated that the property is currently zoned A/M, Apartment/Mobile Home Park, and vacant. The applicant is proposing a mobile home park, 4.75 acres in size, with 41 mobile home spaces. The A/M zoning requires a Site Development Plan. The DCC (Development Coordinating Committee) recommended in favor, the CPC (City Plan Commission) recommended denial with a vote of 5-2 at the April 19, 2001 CPC meeting. Ms. Adatao noted that 63 letters of opposition have been received in the Planning Department, as well as, a petition with 40 signatures.

Representative Power remarked that he is the Representative for this district and must represent the people. He has tried to come to a "happy medium" with the applicant and the residents; however, this is not possible. He has many concerns with safety issues.

Mayor Raymond C. Caballero asked the City Attorney's office to prepare documents whereas the Site Development Plans would no longer necessitate Council Member's action.

Mr. Charlie McNabb, Chief Administrative Officer, remarked that the City Attorney's office was in the process of preparing such documents as requested by the Mayor.

Representative Sariñana moved to approve the Site Development Plan, there was no second. He commented on past zoning practices and hoped the BZAC (Building Zoning Advisory Committee) would be making the necessary revisions regarding zoning changes.

Representative Power asked that the property owners consider the rights and safety of the neighbors and not to deliver the mobile homes through the residential streets but to utilize the Montana access.

Representative Cook asked if a City initiated zoning change might be enacted to prevent this from becoming A/M zoning. Representative Cook asked whether the item might be discussed during the Executive Session.

Representative Sumrall explained that the item first appeared before Council Members as an appeal item and questioned whether Council Members could take some type of action.

Ms. Adatao explained that the item was postponed on the Agenda as an appeal case due to the recommendation of denial by the CPC.

Ms. Rita Rodriguez, First Assistant City Attorney, remarked that she would provide legal advice to the Council members during the Executive Session. Council agreed to move this to Executive Session.

There was no action taken on the item at this time; however, it was discussed after the Executive Session on pages 28 and 29.. Action was taken at that time.

Ms. Rita Rodriguez, First Assistant City Attorney, explained for public information that the above item would be discussed during Executive Session due to Council Members having additional questions which require legal advice.

Mr. Arturo Acosta, Acosta Engineering, stated that he was not given the opportunity to speak on this item during the Council meeting and pointed out that his client has invested heavily on this property, followed all City rules and regulations and asked that the Council Members consider his client's intentions.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the item is not discussed during Executive Session but rather Council Members are given legal advice. The discussion and vote on the item is held during open session.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Lots 1 and 2, Block 2, VALLE HERMOSO, El Paso, El Paso County, Texas (126 Snelson Drive) from R-4 (Residential) and A-2 (Apartment) to C-2 (Commercial) and imposing certain conditions, the penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Dr. Armando Beltran / Representative: Fermin Dorado, Dorado Engineering, Inc., 2310 Montana, El Paso, TX 79903. ZC-01040.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of a portion of Tract 7, Pendale Acres, Unit 2, City of El Paso, El Paso County, Texas (445 Pendale Road) from R-F (Ranch-Farm) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Oscar and Jennifer Lujan / Representative: Oscar and Jennifer Lujan, 12232 Russolo Drive, El Paso, TX 79936. ZC-01021

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ORDINANCE 14958

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 29, BLOCK 9, VISTA DEL PRADO UNIT 2, EL PASO, EL PASO COUNTY, TEXAS (9801 JERICHO ROAD) FROM A-2/H/SC (APARTMENT/HISTORIC/SPECIAL CONTRACT) TO C-1/H/SC (COMMERCIAL/HISTORIC/SPECIAL CONTRACT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Adatao, Director of Planning, explained that the Planning Department had received two telephone calls in opposition from Ophelia Vasquez, 9751 Socorro Road and Victor Juarez, 9804 Jericho Road.

Motion duly made by Representative Escobar, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Council Member Sumrall was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14959

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), SUBSECTION 15.08.120.B (TYPES OF ENCROACHMENTS) OF THE EL PASO MUNICIPAL CODE TO PERMIT AN ENCROACHMENT OVER THE ROADWAY UNDER CERTAIN CIRCUMSTANCES WITHIN PORTIONS OF PUBLIC RIGHTS-OF-WAY. THE PENALTY BEING AS PROVIDED IN SECTION 15.08.120.K OF THE MUNICIPAL CODE.**

Representative Rodriguez asked for elaboration on the item.

Ms. Patricia Adatao, Director of Planning, explained the amendment to the Ordinance for Council Members which permits projection of displays over roadways under certain conditions.

Motion duly made by Representative Escobar, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None
ABSTAIN: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14960

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE SUN BOWL ASSOCIATION AUTHORIZING THE ENCROACHMENT OF FORTY-TWO TEMPORARY STREET DISPLAYS OVER CERTAIN PORTIONS OF MONTANA AVENUE DESIGNATING THE OFFICIAL SUN BOWL PARADE ROUTE.**

Ms. Patricia Adatao, Director of Planning, explained that the applicant has requested that the language of the Ordinance be modified to permit the encroachment either over the sidewalk area or over the roadway.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

NAYS: None Absent: None

ORDINANCE 14961

NAYS: None Absent: None

ORDINANCE 14962

NAYS: None Absent: None

22 REGULAR COUNCIL MEETING – OCTOBER 23, 2001

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone one (1) week the Public hearing to determine if the Council Resolution of August 21, 2001 for the property located at 411-413 S. Florence Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner(s) of this property, Guillermo Stephens & 8, 1223 Wagner Lane, has been notified of the violations at this property.

Mr. Thomas Maguire, Building Services Department, presented the case for Council Members and gave the Department's recommendation(s).

Ms. Rita Rodriguez, First Assistant City Attorney, questioned the property owner's name as stated by Mr. Maguire was Tomas Contreras (instead of Guillermo Stephens as shown on the agenda).

Mr. Maguire responded that Quit Claim Deeds were received from the Stephens family and the property owner's name was listed as Tomas Contreras.

Mayor Raymond C. Caballero asked that more research be done regarding the property ownership. He wondered if it were possible for the City to take over ownership of the property.

Mr. Edward Hernandez, Delgado Acosta Spencer Linebarger Heard & Perez LLP, explained that a number of different options were discussed; however, some problem areas need to be addressed. He understood that there were a number of interested buyers looking at the property.

Mayor Caballero suggested that potential first time homebuyers have an opportunity to buy and rehabilitate this property.

Representative Cook remarked that the item on the Agenda today was to determine whether the property has complied with the previous Council Resolution dated August 21, 2001.

Representative Cobos asked what the previous Building Services Department recommendation was.

Mr. Maguire responded that the recommendation was to demolish the building and added that notices had been sent to many individuals asking that the building be rehabilitated rather than having it be demolished.

Ms. Rodriguez requested that the item be postponed one week in order to allow further research and discovery.

Representatives Medina and Escobar were not present for the vote to postpone.

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RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3102 E. San Antonio Avenue in El Paso, Texas, which property is more particularly described as follows:

Lot: 1, Block 2, Miraflor Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 14, Page 55, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation or use; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Rosario C. Olivas, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on October 23rd, 2001; and

WHEREAS, the Owner Rosario C. Olivas appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be vacated and secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Building be maintained secure and the property maintained clean until it is rehabilitated, to meet the current codes.
 - d. That a public hearing be scheduled for December 18th, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - e. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - f. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - g. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall vacate and secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with vacating, securing and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services Department, presented slides to Council Members and gave the Department's recommendation(s).

Representative Cobos asked whether the property owners were present and asked whether they would have the building secured within 30 days.

Mr. Adrian Salazar, appearing at the request of the property owners, explained to Council Members the problems regarding the many different owners of the home. He stated that the property owner has asked that she be given additional time to make repairs to the home, he asked for 60 days.

Mr. Maguire explained that the City can not allow more than 30 days for the repair. He stated that the property owner must have the home secured within the 30 days; however, additional time may be granted for repairing the home.

Representative Sariñana asked that Mr. Maguire escort Ms. Contreras to the Community Development Department to investigate whether she might qualify for monetary assistance for her home repairs.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to approve the department's recommendation(s) and adopt the above resolution.

Representative Escobar was not present for the vote.

Motion made by Representative Sumrall, seconded by Representative Rodriguez and unanimously carried to reject Bid No. 2002-014 Temporary Personnel as recommended by Purchasing and Health District. This requirement will be reviewed by the user department. A new solicitation, with revised specifications, will be issued at a later time.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the rescheduling of the regular City Council meetings of December 25, 2001 and January 1, 2002 to December 24, 2001 and January 3, 2002 respectively.

Representative Sariñana moved to hold City Council meetings on Wednesdays rather than Mondays,

Mr. Charlie McNabb, Chief Administrative Officer, suggested another alternative was to hold one City Council meeting on Monday, Christmas Eve, and to hold the other meeting on the Wednesday.

Mayor Raymond C. Caballero suggested holding one City Council meeting on Monday, December 24, 2001 and the other on Thursday, January 3, 2002.

*Motion made, seconded and unanimously carried to delete Voice For All Animals wishes to request that Mayor and Council approve retiring Savannah the Elephant to the Elephant Sanctuary in Tennessee. (Dr. Steven Best)

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance to amend Title 9 (Health & Safety), Chapter 9.12 (Food and Food Handling Establishments) to include Section 9.12.340 (Ground Meat Advisory). The penalty being as provided in Section 9.12.890 of the El Paso Municipal Code.
- B. An Ordinance providing for the taxation of motor vehicles leased for personal use.
- C. An Ordinance providing for payment of fees and other costs by Credit Card.
- D. That Ordinance No. 8064, the Classification and Compensation Plan, shall be amended as follows: as recommended by the Civil Service Commission, the class of ZOO EDUCATION CURATOR is hereby created in accordance with the duties and responsibilities attached hereto. The Code is 5134. The Grade is PM 77.

PUBLIC HEARING WILL BE HELD NOVEMBER 6, 2001 FOR ITEMS A - D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Cobos commented on the Ordinance providing for payment of fees and other costs by Credit Card and questioned whether the City would be paying the fees when an individual pays with a credit card.

Mr. Byron Johnson, Director of Purchasing, explained that the item today was an Introduction of the Ordinance; however, it would be brought back in two weeks for discussion. He noted that the user would be absorbing the fees.

Representative Sumrall asked if Council Members could vote against the introduction of an Ordinance and moved to deny An Ordinance to amend Title 9 (Health & Safety), Chapter 9.12 (Food and Food Handling Establishments) to include Section 9.12.340 (Ground Meat Advisory). The penalty being as provided in Section 9.12.890 of the El Paso Municipal Code. There was no second to her motion.

Ms. Rita Rodriguez, First Assistant City Attorney, stated yes; however, the Ordinance would need to have a separate vote.

Representative Cook explained that Federal and State law require that Notices be posted when an establishment is cooking and serving ground meat.

Representative Sumrall responded that, in her opinion, government was controlling every aspect of everyone's lives. Representative Cook explained the Ordinance for public information.

Mayor Raymond C. Caballero asked whether the Ordinance was a requirement for the City to be in compliance with a federal or state law.

Mr. David Sublasky, Health Department, explained that the City of El Paso has adopted the Texas Food Establishment Rules through Ordinance adoption in September of 2000. He read an excerpt from the Ordinance regarding cooking fully and serving ground meat. He explained that language in the Ordinance would provide that an Advisory Notice be posted when an establishment was cooking and serving ground meat. All ordinances were approved for introduction.

.....
ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to serve alcohol at One Arts Festival Plaza at the Museum foundation fundraiser preview dinner for *Weaving China's Past: The Amy S. Clague Collection of Chinese Textiles* exhibition on the evening of October 27, 2001.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Agreement by and between the CITY OF EL PASO and LOOP 375 L.P., A TEXAS LIMITED PARTNERSHIP, executed December 3, 1996, to amend the location of the dedication of a 4.25 acre parcel of land being a *portion of Tract 1A and 2A, O. A. DANIELSON SURVEY NO. 312, City of El Paso, El Paso County, Texas*, to be used for park purposes, with no other amendments to the agreement.

*Motion made, seconded and unanimously carried to approve the request of St. Patrick Cathedral School to hold a Red Ribbon parade on October 26, 2001 from 1:00 p.m. to 1:30 p.m. Route: Start on Arizona to Mesa, right on Mesa to Rivers, right on Rivers to Stanton, right on Stanton to Arizona, to front of school. Approximately 700 persons will participate. PERMIT NO. 01-155

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney) to discuss

- A. Resolution approving Detailed Site Development Plan No. DP-00026, for a portion of Tracts 8A & 8B1, Section 36, Block 80, TSP. 2, T&P RAILWAY CO. SURVEYS, El Paso, El Paso County, Texas (11200 Montana Avenue), pursuant to Section 20.14.140 of the El Paso Municipal Code.
- B. Delbert Leavitt, Jr., et al vs. City of El Paso; 01-552 (551.071)
- C. City of El Paso vs. Roberto Sandoval (551.071)

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-00026, FOR A PORTION OF TRACTS 8A & 8B1, SECTION 36, BLOCK 80, TSP 2, T & P RAILWAY CO. SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (11200 MONTANA AVENUE), PURSUANT TO SECTION 20.04.140 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **ERNESTINA and MARIO YAGUE**, (the "Applicants") have applied for approval of a detailed site development plan pursuant to Section 20.04.140 (Zoning) of the El Paso Municipal Code, to permit the construction and development of a commercial retail/warehouse building; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended denial of the subject detailed site development plan; and

WHEREAS, the applicants have submitted to the City Council of the City of El Paso an appeal request pursuant to Section 20.04.150 (Zoning) of the El Paso Municipal Code for review and approval; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicants, to permit the construction and development of a mobile home park on the following described property which is located in an **A-M (Apartment-Mobile Home Park) District**:

A portion of Tracts 8A & 8B1, Section 36, Block 80, TSP 2, T & P RAILWAY CO. SURVEYS, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A"; and municipally known and numbered as 11200 Montana Avenue.

A copy of the approved detailed site development plan, signed by the Applicants, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference. (Exhibits are on file with this resolution in the City Clerk's Office.)

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **A-M (Apartment-Mobile Home Park) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **A-M (Apartment-Mobile Home Park) District regulations**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to approve the Resolution regarding Detailed Site Development Plan No. DP-00026.

Representative Sumrall and Representative Power voted Nay.
Representative Cook, Representative Escobar, Representative Sariñana and Representative Cobos voted Aye.
Representative Rodriguez and Representative Medina were not present for the vote. Previous discussion is shown on Page 19 of these minutes.

.....
Motion made, seconded and unanimously carried to delete the discussion and action on the following:

Delbert Leavitt, Jr., et al vs. City of El Paso; 01-552 (551.071)

.....
Motion made, seconded and unanimously carried to delete the discussion and action on City of El Paso vs. Roberto Sandoval (551.071)

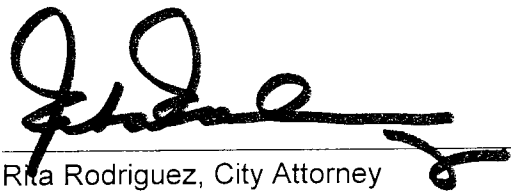
.....
Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to adjourn this meeting.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Carole Hunter, City Clerk


Rita Rodriguez, City Attorney

